

PROB 12C
(6/16)

Report Date: August 21, 2023

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Aug 21, 2023**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Michael Thomas Van Dyke Case Number: 0980 2:15CR00025-WFN-1

Address of Offender: [REDACTED], Spokane, Washington 99201

Name of Sentencing Judicial Officer: The Honorable Wm. Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: September 28, 2015

Original Offense: Travel With Intent to Engage in Illicit Sexual Conduct, 18 U.S.C. § 2423(b)

Original Sentence: Prison - 36 months Type of Supervision: Supervised Release
TSR - 120 months

Revocation Sentence: Prison - 3 months
(October 30, 2018) TSR - 120 months

Revocation Sentence: Prison - 6 months
(February 24, 2020) TSR - 120 months

Revocation Sentence: Prison - 8 months
(March 2, 2021) TSR - 113 months, 7 days

Revocation Sentence: Prison - 9 months
(September 13, 2022) TSR - 86 months

Asst. U.S. Attorney: David Michael Herzog Date Supervision Commenced: May 31, 2023

Defense Attorney: Federal Defenders Office Date Supervision Expires: July 30, 2030

PETITIONING THE COURT

To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 08/10/2023.

On June 1, 2023, Mr. Van Dyke's conditions of supervision were reviewed by the probation officer and he signed said conditions acknowledging understanding of his requirements.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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Special Condition #16: You must undergo a substance abuse evaluation and, if indicated by a licensed/certified provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further

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order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: The offender is alleged to have violated special condition number 16, by failing to report for scheduled treatment sessions at Pioneer Human Services (PHS) on August 11, 14 and 15, 2023.

The probation officer received email correspondence from PHS indicating Mr. Van Dyke failed to report for scheduled treatment sessions on August 11, 14 and 15, 2023.

- 8 **Special Condition # 17:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: The offender is alleged to have violated special condition number 17, by failing to report to PHS for urinalysis testing on August 11 and 16, 2023.

The probation officer received email correspondence from PHS indicating Mr. Van Dyke failed to report for urinalysis testing on August 11 and 16, 2023.

- 9 **Special Condition # 5:** You must not possess or use any computer with access to any on-line computer service without the prior approval of the supervising officer. This includes any Internet service provider, bulletin board system, or any other public or private computer network. You shall not have access to a modem during your term of supervision without the prior approval of the supervising officer.

Supporting Evidence: The offender is alleged to have violated special condition number 5, by being in possession of a computer device without the prior approval of the supervising officer.

On August 15, 2023, the offender participated in a maintenance polygraph exam. During the exam, he admitted that he possessed a cellular telephone upon his release from custody. He advised the polygrapher that he threw the telephone in a dumpster. On that same date, he disclosed this same information to the probation officer. He further stated that he did not use the telephone because he was aware that it contained pornography.

It should be noted, when asked by the polygrapher whether he still possessed the cellular telephone and whether he had accessed the Internet, the results of the polygraph test were inconclusive.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 21, 2023

s/Lori Cross

Lori Cross
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

8/21/2023

Date